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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,876	07/16/2003	Orlando de Guevara	de Guevara I	1735
7590	10/20/2004		EXAMINER	
Kevin M. Able 2825 Hickock Rd. Corning, NY 14830			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/621,876	DE GUEVARA, ORLANDO
	Examiner	Art Unit
	Anita M. King	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

This is the second office action for application number 10/621,876, Cable Keeper, filed on July 16, 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 8, 9, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,852,832 to Delaney. Delaney discloses a cable keeper (10) comprising a single sheet of flexible material having at least one edge; a plurality of openings (13a) spaced adjacent to the edge, each opening having a slot (13b) extending between the opening and the edge to allow a passage of at least one cable; an adhesive (14) disposed on a face of the sheet for adhering the cable keeper to an object; wherein the cable keeper is comprised of a polymer (Co. 2, line 9ff); wherein the adhesive is an adhesive tape; wherein each slot is chamfered; and wherein at least a portion of the sheet is circular (12a).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 3-5,7, and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney. Delaney discloses the claimed invention except for the limitations of the polymer being selected from the group consisting of polyester, polyethylene and polypropylene or the cable keeper being constructed of cardboard stock and wherein the adhesive is liquid or selected from the group consisting of an acrylic and a synthetic rubber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the polymer in Delaney to have been selected from the group consisting of polyester, polyethylene and polypropylene or cardboard stock for the purpose of providing an alternative material for composing the cable keeper and since such a modification would have merely involved substituting one well known material for another based on its suitability for the intended use and would not have produced any unexpected results. It would have been also obvious to one having ordinary skill in the art at the time the invention was made to have modified the adhesive in Delaney to have been either a liquid adhesive or an adhesive selected from the group consisting of an acrylic and a synthetic rubber for the purpose of providing an alternative, mechanically equivalent means for adhering the keeper to an object and since such a modification would not have produced any unexpected results.

Delaney discloses the claimed invention except for the limitations of the length of the cable keeper being less than 25 cm or 15 cm, being greater than 25 cm or 1 meter and the aspect ratio being greater than 1, 5 or 20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the

predetermined length and aspect ratio in Delaney to have been specific dimensions for the purpose of providing an aesthetically different appearance to the cable keeper to accommodate different size cables, and since such a modification would merely involve a change in size, which does not produce any unexpected results.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney in view of U.S. Patent 4,693,935 to Mazurek. Delaney discloses the claimed invention except for the limitation of the adhesive having an adhesive strength greater than about 80 N/100mm or 100N/100mm. Mazurek teaches that it is known in the adhesive art to have an adhesive having an adhesive strength of at least 80N/100mm or 100N/100mm (Col. 4, line 23ff). It would have been obvious to one having ordinary skill in the art the time the invention was made to have modified the adhesive in Delaney to have a strength greater than about 80 N/100mm or 100N/100mm as taught by Mazurek for the purpose of preventing conformability failure of the adhesive and yet having a cohesive strength sufficient to allow removal of the adhesive from the object without leaving behind residue.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,421,632 to Wood

U.S. Patent 3,794,181 to Canham

U.S. Patent D287,916 to DelGarbino et al.

U.S. Patent 4,654,026 to Underwood

U.S. Patent 4,988,062 to London

U.S. Patent 5,254,110 to Marcus et al.

U.S. Patent 5,544,031 to Blanton

U.S. Patent D414,210 to Davis

U.S. Patent 6,092,675 to Ramirez, Jr. et al.

U.S. Patent 6,193,201 to Babcock

U.S. Patent 6,449,987 to Poole

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anita M. King
Primary Examiner
Art Unit 3632

October 18, 2004